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June 18, 2013

**VIA ECF**

Honorable Jose L. Linares  
United States District Judge  
Martin Luther King, Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re:** *United States ex rel. Simpson v. Bayer*  
Civ. No. 05-3895 (JLL)(JAD)

Dear Judge Linares:

Please accept this letter in lieu of a more formal request on behalf of Defendants Bayer Corporation, Bayer Healthcare Pharmaceuticals, Inc., and Bayer Healthcare LLC ("Bayer Defendants").<sup>1</sup> As Your Honor is aware, in accordance with this Court's Orders, *see* ECF Nos. 113, 115, on May 20, 2013, the parties simultaneously filed papers in connection with Defendants' Motion to Dismiss Relator Laurie Simpson's Seventh Amended Complaint in the above-captioned matter. On May 21, 2013, this Court set the motion for June 17, 2013. ECF No. 116. Today, the Government, which has declined to intervene in this matter, filed a Statement of Interest setting forth its position as to various legal issues raised by Defendants' Motion to Dismiss.

In accordance with my Office's conversation of earlier today with Your Honor's chambers, Defendants hereby respectfully request the opportunity to respond to the Government's Statement of Interest. Because the Government's submission was not anticipated, counsel for the Bayer Defendants seek until Friday, June 28, 2013 to prepare and file their response.

If Your Honor has any questions or concerns about this matter, please do not hesitate to contact me. Thank you for your kind consideration.

Respectfully submitted,

s/ Lawrence S. Lustberg  
Lawrence S. Lustberg

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<sup>1</sup> This application is brought only by Bayer Corporation, Bayer HealthCare Pharmaceuticals, Inc., and Bayer HealthCare LLC ("Bayer"). Bayer AG, a named defendant, has not yet been served.

GIBBONS P.C.

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SO ORDERED:  
DATED: 6/18/13